

to have a sufficient number of officers who are qualified in that skill; and

(2) in order to mitigate a current or projected significant shortage of personnel in the armed force who are qualified in that skill, it is critical to access into that armed force in sufficient numbers persons who are qualified in that skill or are to be trained in that skill.

(c) **LIMITATION ON AMOUNT OF BONUS.**—The amount of an accession bonus under subsection (a) may not exceed \$60,000.

(d) **PAYMENT METHOD.**—Upon acceptance of a written agreement under subsection (a) by the Secretary concerned, the total amount of the accession bonus payable under the agreement becomes fixed. The agreement shall specify whether the accession bonus will be paid by the Secretary in a lump sum or installments.

(e) **RELATION TO OTHER ACCESSION BONUS AUTHORITY.**—An individual may not receive an accession bonus under this section and section 302d, 302h, 302j, or 312b of this title for the same period of service.

(f) **REPAYMENT FOR FAILURE TO COMMENCE OR COMPLETE OBLIGATED SERVICE.**—(1) An individual who, after having received all or part of the accession bonus under an agreement referred to in subsection (a), fails to accept a commission as an officer or to commence or complete the total period of active duty service specified in the agreement shall repay to the United States the amount that bears the same ratio to the total amount of the bonus authorized for such person as the unserved part of the period of agreed active duty service bears to the total period of the agreed active duty service. However, the amount required to be repaid by the individual may not exceed the amount of the accession bonus that was paid to the individual.

(2) Subject to paragraph (3), an obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States. A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement entered into under subsection (a) does not discharge the individual signing the agreement from a debt arising under such agreement or under paragraph (1).

(3) The Secretary concerned may waive, in whole or in part, the repayment requirement under paragraph (1) on a case-by-case basis if the Secretary concerned determines that repayment would be against equity and good conscience or would be contrary to the best interests of the United States.

(g) **TERMINATION OF AUTHORITY.**—No agreement under this section may be entered into after December 31, 2003.

(Added Pub. L. 107-107, div. A, title VI, §621(a), Dec. 28, 2001, 115 Stat. 1139; amended Pub. L. 107-314, div. A, title VI, §614(e), title X, §1062(c)(2), Dec. 2, 2002, 116 Stat. 2568, 2651.)

#### AMENDMENTS

2002—Subsec. (b). Pub. L. 107-314, §1062(c)(2), struck out par. (1) designation before “The Secretary”.

Subsec. (g). Pub. L. 107-314, §614(e), substituted “December 31, 2003” for “December 31, 2002”.

### § 325. Incentive bonus: savings plan for education expenses and other contingencies

(a) **BENEFIT AND ELIGIBILITY.**—The Secretary concerned may purchase United States savings bonds under this section for a member of the armed forces who is eligible as follows:

(1) A member who, before completing three years of service on active duty, enters into a commitment to perform qualifying service.

(2) A member who, after completing three years of service on active duty, but not more than nine years of service on active duty, enters into a commitment to perform qualifying service.

(3) A member who, after completing nine years of service on active duty, enters into a commitment to perform qualifying service.

(b) **QUALIFYING SERVICE.**—For the purposes of this section, qualifying service is service on active duty in a specialty designated by the Secretary concerned as critical to meet requirements (whether or not such specialty is designated as critical to meet wartime or peacetime requirements) for a period that—

(1) is not less than six years; and

(2) does not include any part of a period for which the member is obligated to serve on active duty under an enlistment or other agreement for which a benefit has previously been paid under this section.

(c) **FORMS OF COMMITMENT TO ADDITIONAL SERVICE.**—For the purposes of this section, a commitment means—

(1) in the case of an enlisted member, a reenlistment; and

(2) in the case of a commissioned officer, an agreement entered into with the Secretary concerned.

(d) **AMOUNTS OF BONDS.**—The total of the face amounts of the United States savings bonds authorized to be purchased for a member under this section for a commitment shall be as follows:

(1) In the case of a purchase for a member under paragraph (1) of subsection (a), \$5,000.

(2) In the case of a purchase for a member under paragraph (2) of subsection (a), the amount equal to the excess of \$15,000 over the total of the face amounts of any United States savings bonds previously purchased for the member under this section.

(3) In the case of a purchase for a member under paragraph (3) of subsection (a), the amount equal to the excess of \$30,000 over the total of the face amounts of any United States savings bonds previously purchased for the member under this section.

(e) **TOTAL AMOUNT OF BENEFIT.**—The total amount of the benefit authorized for a member when United States savings bonds are purchased for the member under this section by reason of a commitment by that member shall be the sum of—

(1) the purchase price of the United States savings bonds; and

(2) the amounts that would be deducted and withheld for the payment of individual income taxes if the total amount computed under this

subsection for that commitment were paid to the member as a bonus.

(f) AMOUNT WITHHELD FOR TAXES.—The total amount payable for a member under subsection (e)(2) for a commitment by that member shall be withheld, credited, and otherwise treated in the same manner as amounts deducted and withheld from the basic pay of the member.

(g) REPAYMENT FOR FAILURE TO COMPLETE OBLIGATED SERVICE.—(1) If a person fails to complete the qualifying service for which the person is obligated under a commitment for which a benefit has been paid under this section, the person shall refund to the United States the amount that bears the same ratio to the total amount paid for the person (as computed under subsection (e)) for that particular commitment as the uncompleted part of the period of qualifying service bears to the total period of the qualifying service for which obligated.

(2) Subject to paragraph (3), an obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

(3) The Secretary concerned may waive, in whole or in part, a refund required under paragraph (1) if the Secretary concerned determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

(4) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an enlistment or other agreement under this section does not discharge the person signing such enlistment or other agreement from a debt arising under the enlistment or agreement, respectively, or this subsection.

(h) RELATIONSHIP TO OTHER SPECIAL PAYS.—The benefit authorized under this section is in addition to any other bonus or incentive or special pay that is paid or payable to a member under any other provision of this chapter for any portion of the same qualifying service.

(i) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Homeland Security for the Coast Guard when the Coast Guard is not operating as a service in the Navy.

(Added Pub. L. 107–107, div. A, title VI, §622(a)(1), Dec. 28, 2001, 115 Stat. 1140; amended Pub. L. 107–296, title XVII, §1704(c), Nov. 25, 2002, 116 Stat. 2314.)

#### AMENDMENTS

2002—Subsec. (i). Pub. L. 107–296 substituted “of Homeland Security” for “of Transportation”.

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107–296, set out as a note under section 101 of Title 10, Armed Forces.

#### EFFECTIVE DATE

Pub. L. 107–107, div. A, title VI, §622(b), Dec. 28, 2001, 115 Stat. 1142, provided that: “Section 325 of title 37, United States Code, as added by subsection (a), shall apply with respect to reenlistments and other agree-

ments for qualifying service, as described in that section, that are entered into on or after October 1, 2001.”

## CHAPTER 7—ALLOWANCES

Sec.	Definitions.
401.	Basic allowance for subsistence.
402.	Supplemental subsistence allowance for low-income members with dependents.
402a.	Basic allowance for housing.
403.	Repealed.]
[403a.	Cost-of-living allowance in the continental United States.
403b.	Travel and transportation allowances: general.
404.	Travel and transportation allowances: temporary lodging expenses.
404a.	Travel and transportation allowances: per diem while on duty outside the United States or in Hawaii or Alaska.
405.	Travel and transportation allowances: departure allowances.
405a.	Travel and transportation allowances: dependents; baggage and household effects.
406.	Travel and transportation allowances: authorized for travel performed under orders that are canceled, revoked, or modified.
406a.	Travel and transportation allowances: members of the uniformed services attached to a ship overhauling or inactivating.
406b.	Travel and transportation allowances: members assigned to a vessel under construction.
406c.	Travel and transportation allowances: dislocation allowances. <sup>1</sup>
407.	Travel and transportation allowances: travel within limits of duty station.
408.	Travel and transportation allowances: house trailers and mobile homes.
409.	Travel and transportation allowances: miscellaneous categories.
410.	Travel and transportation allowances: administrative provisions.
411.	Travel and transportation allowances: travel performed in connection with convalescent leave.
411a.	Travel and transportation allowances: travel performed in connection with leave between consecutive overseas tours.
411b.	Travel and transportation allowances: travel performed in connection with rest and recuperative leave from certain stations in foreign countries.
411c.	Travel and transportation allowances: transportation incident to personal emergencies for certain members and dependents.
411d.	Travel and transportation allowances: transportation incident to certain emergencies for members performing temporary duty.
411e.	Travel and transportation allowances: transportation for survivors of deceased member to attend the member's burial ceremonies.
411f.	Travel and transportation allowances: transportation incident to voluntary extensions of overseas tours of duty.
411g.	Travel and transportation allowances: transportation of family members incident to the serious illness or injury of members.
411h.	Travel and transportation allowances: parking expenses.
412.	Appropriations for travel: may not be used for attendance at certain meetings.
413.	Chairman and Vice Chairman of the Joint Chiefs of Staff.
414.	Personal money allowance.

<sup>1</sup> So in original. Does not conform to section catchline.